

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

TOMMY L. HAMILTON,

Plaintiff,

v.

00-CV-300SR

00-CV-863SR

**NIAGARA FRONTIER TRANSPORTATION
AUTHORITY,
CHARLES MARTHA,
NORMAN J. BIRNER, and
WILLIAM McGEE,**

Defendants.

DECISION AND ORDER

In accordance with 28 U.S.C. § 636(c), the parties have consented to have the undersigned conduct all further proceedings in this consolidated case, including entry of final judgment. Dkt. #14 & Dkt. #20.

Trial commenced on October 28, 2008 and continued through the morning of October 30, 2008, at which time the parties, with the assistance of the Court, continued to discuss the possibility of settlement. After discussion with his attorney and with the Court, plaintiff agreed to settle his claims and that agreement was placed on the record in open court. The Court noted plaintiff's participation with his attorney in the settlement discussions and confirmed plaintiff's understanding that this settlement resolved all claims asserted in plaintiff's complaint and amended complaint.

Currently before the Court is a sealed motion by plaintiff's attorney seeking an Order authorizing him, *inter alia*, to sign the settlement agreement and stipulation of discontinuance on plaintiff's behalf and to take any additional steps as may be required to finalize the settlement.

The Court has reviewed the Confidential Complete Settlement Agreement and Release and the Stipulation of Dismissal with Prejudice and is satisfied that the terms and conditions contained therein are consistent with the settlement agreement placed on the record before the Court on October 30, 2008. Accordingly, the Court authorizes plaintiff's counsel to execute these documents on plaintiff's behalf and to take any additional steps necessary to finalize the settlement of this lawsuit.

The remaining relief requested by plaintiff's attorney is denied without prejudice at this time.

SO ORDERED.

DATED: Buffalo, New York
December 5, 2008

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge